

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 09-0181
ELECTRONICALLY FILED

v.

MARIO HAMLIN,

Defendant.

ORDER OF COURT

Following defendant Mario Hamlin's entry of a plea of guilty to one count of knowingly, intentionally, and unlawfully distributing and possessing with intent to distribute fifty (50) or more grams of a mixture and substance containing a detectable amount of cocaine base, also known as crack cocaine, a schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(a)(iii), this Court ordered him detained pending sentencing. This offense carries a term of imprisonment of not less than ten years to life imprisonment. Defendant has filed a Petition To Reconsider Detention Status (Doc. No. 48), to which the government has filed its response opposing release (Doc. No. 49).

Under 18 U.S.C. § 3143(a)(1), a person who has been found guilty of an offense and is awaiting sentencing should be detained , “unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released . . .” 18 U.S.C. § 3142(e)(2) creates a “rebuttable presumption . . . that no condition or combination of conditions will reasonably assure the safety of any other person and the community if . . . the person

has been convicted of a Federal offense that is described in subsection (f)(1) of this section" 18 U.S.C. sec. 3142(e)(2)(A). Subsection f(1) includes an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.). 18 U.S.C. sec. 3142(f)(1)(C).

Defendant's petition to reconsider his detention does not offer any averments of fact that would, if proven, suffice to rebut the presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community if defendant were to be released pending sentencing. Accordingly,

IT IS HEREBY ORDERED that defendant's Petition To Reconsider Detention Status (Doc. No. 48) is DENIED.

SO ORDERED this 20th day of July, 2010.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All counsel of record